

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A
JUDGE, NO. 00-211,
HOWARD C. BERMAN

CASE NO.: SC00-2491

**RESPONSE TO MOTION TO DISCLOSE EXCULPATORY
EVIDENCE AND STATEMENTS OF WITNESSES**

Comes now the Judicial Qualifications Commission of the State of Florida, by and through its undersigned Special Counsel, and in response to the Motion to Disclose Exculpatory Evidence and Statements of Witnesses filed in this matter by Judge Howard C. Berman states as follows:

1. The charges in this case are extremely specific. Moreover, extensive discovery depositions have been taken by Judge Berman. In his motion, Judge Berman seeks information that some individuals are aware of no inappropriate conduct or language on the part of Judge Berman, or, alternatively, that some individuals think Judge Berman is “an excellent judge.” Such information would in no way contradict the very specific charges in this case.

2. The undersigned is aware of no testimony or evidence which “directly contradicts” the allegations contained in the Amended Notice of Formal Charges.

3. The undersigned is aware of no exculpatory evidence.

4. The undersigned has previously provided to Judge Berman the only known written statement of a witness, that of Shirely DeLuna. The undersigned is aware of the continuing obligations of disclosure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U.S.

Mail to: The Honorable James Jorgenson, Chair, Hearing Panel, Florida Judicial Qualifications Commission, Room 102, The Historic Capitol, Tallahassee, Florida 32399-6000; Thomas C. MacDonald, Jr., Esquire, Cook, Bell & MacDonald Mediation Group, 100 N. Tampa Street, Suite 2100, Tampa, Florida 33602; Brooke Kennerly, Executive Director, Florida Judicial Qualifications Commission, Room 102, The Historic Capitol, Tallahassee, Florida 32399-6000; John R. Beraneck, Esquire, Ausley & McMullen, 227 S. Calhoun Street, Tallahassee, Florida 32301; Sydney A. Stubbs, Esquire, Jones, Foster, Johnston & Stubbs, P.A., 505 S. Flagler Drive, Suite 1100, West Palm Beach, FL 33402-3475; Bettye J. King, Esquire, 625 North Flagler Drive, Suite 501, West Palm Beach, Florida 33481; and to Scott N. Richardson, Esquire, Atterbury, Goldberger and Richardson, 250 Australian Avenue South, Suite 1400, West Palm Beach, Florida 33401-5015, this _____ day of July, 2001.

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